

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- against -

ALBERTO WILLIAM VILAR, a/k/a "Albert
Vilar," and GARY ALAN TANAKA

Defendants.

S3 05 Cr. 621 (KMK)

ECF CASE

DECLARATION OF JESSICA L. MARGOLIS

I, Jessica L. Margolis, declare as follows:

I am an attorney associated with the firm of Wilson Sonsini Goodrich & Rosati, Professional Corporation, attorneys for Defendant Gary Alan Tanaka. I am admitted to practice before the courts of the State of New York and before the United States District Courts for the Southern and Eastern Districts of New York. I respectfully submit this declaration in further support of Defendants' motions (1) to suppress all evidence seized from the New York offices of Amerindo Investment Advisors Inc. ("Amerindo U.S."), located at 399 Park Avenue, New York, NY, (2) to suppress all evidence seized from the Cadogan Tate storage facility located at 239 Acton Lane, London, United Kingdom, and (3) to quash the subpoena served on Amerindo U.S. on May 26, 2005. I have personal knowledge of the facts set forth in this declaration.

1. True and correct copies of excerpts from the transcript of the hearing held on May 31, 2006, are attached hereto as Exhibit A.

2. True and correct copies of excerpts from the transcript of the hearing held on June 1, 2006, are attached hereto as Exhibit B.

3. True and correct copies of excerpts from the transcript of the hearing held on July 7, 2006, are attached hereto as Exhibit C.

4. True and correct copies of excerpts from the transcript of the hearing held on July 10, 2006, are attached hereto as Exhibit D.

5. True and correct copies of excerpts from the transcript of the hearing held on August 8, 2006, are attached hereto as Exhibit E.

6. True and correct copies of excerpts from the transcript of the hearing held on August 9, 2006, are attached hereto as Exhibit F.

7. True and correct copies of excerpts from the transcript of the court conference held on October 25, 2006, are attached hereto as Exhibit G.

8. True and correct copies of excerpts from the transcript of the hearing held on November 15, 2006, are attached hereto as Exhibit H.

9. True and correct copies of excerpts from the transcript of the hearing held on December 14, 2005, are attached hereto as Exhibit I.

10. True and correct copies of documents provided by Lisa Mayer to the Government and by the Government to counsel for Mr. Tanaka (bates-stamped MAY1000344, MAY1000353 and MAY1000259-60), consisting of correspondence between Amerindo Investment Advisors Inc. and the Mayer family between December 26, 2000 and January 4, 2001, are attached hereto as Exhibit J.

11. True and correct copies of documents provided by Lily Cates to the Government and by the Government to counsel for Mr. Tanaka (bates-stamped LC00499-500), consisting of documents pertaining to Cates' investment in Rhodes Capital, are attached hereto as Exhibit K.

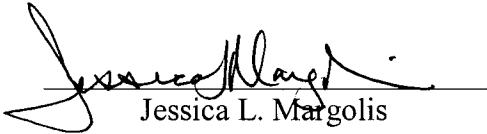
12. A true and correct copy of a letter from Howard Shaw to David Arad, dated January 4, 2006, is attached hereto as Exhibit L.

13. A true and correct copy of the March 9, 2006 opinion of Clare Sibson, a barrister at Hollis Whiteman Chambers, is attached hereto as Exhibit M.

14. A true and correct copy of a document provided by Lisa Mayer to the Government and by the Government to counsel for Mr. Tanaka (bates-stamped MAY1000038), consisting of a letter to Dr. Herbert Mayer dated April 11, 1988, is attached hereto as Exhibit N.

15. A true and correct copy of a document entitled "Urgent Supplemental Request for Assistance in the Prosecution and Investigation of Alberto William Vilar, also known as Albert Vilar, and Gary Alan Tanaka," which counsel for Mr. Tanaka received from the Government on or about January 6, 2006, is attached hereto as Exhibit O.

I declare under penalty of perjury that the foregoing is true and correct. Executed in New York, New York on December 13, 2006.


Jessica L. Margolis